



US Army Corps
of Engineers
St Paul District

APPLICANT: Mille Lacs Band
of Ojibwe

Public Notice

ISSUED: 13 February 2004
EXPIRES: 15 March 2004

REFER TO: 04-02521-JMK

SECTION: 404 - Clean Water Act

1. APPLICATION FOR PERMIT TO place fill material into wetlands adjacent to a tributary to the Grindstone River during the expansion of the Grand Casino Hinckley.

2. SPECIFIC INFORMATION.

CONTACT: Ms. Jody Rooney
700 Grand Avenue
Onamia, MN 56359
(320) 532-8819

AGENT: Mr. Kelly Bopray
McCombs Frank Roos Associates, Inc.
15050 23rd Avenue, North
Minneapolis, MN 55447
(763) 476-6010

PROJECT LOCATION: The project site is in the NE 1/4 of Sec. 29, T. 41N., R. 20W., Pine County, Minnesota. The approximate UTM coordinates are Zone 15 North 5094700, East 507800. The portion of Trust land held in trust by the United States for the Mille Lacs Band of Ojibwe is shown on the drawing labeled 2004-02521-JMK, Page 2 of 5. The remaining portion of the site is Fee land owned by the Mille Lacs Band of Ojibwe but not held in trust by the United States.

DESCRIPTION OF PROJECT: The project involves 2.38 acres of wetland fill for the expansion of the hotel facilities. This expansion would create 330 additional hotel rooms, expand meeting and banquet facilities, add guest services, ballroom, theater and expand kitchen facilities. The new hotel and the area for guests arrival/departure would extend into the existing stormwater ponding areas, result in the relocation of County State Aid Highway (CSAH) 15, and displace 1.91 acres of Type 2 (wet meadow) wetlands. Accordingly, the project consists of relocating CSAH 15 approximately 450 feet east of its existing location. The proposed alignment uses an existing access at the intersection with Trunk Highway 48. The wetland impacts at the north end are 0.26 acre of road ditches and stormwater ponds, and 0.21 acre of Type 3 (shallow marsh) wetland impact near the middle of the realigned CSAH 15. In addition, during realignment of CSAH 15, a temporary access road from the west would cross wetland C. The need of the project stems from the growing demands of the gaming/entertainment business at this site and around the state.

VEGETATION IN AFFECTED AREA: Wetland A is a 1.71-acre wetland complex, a Palustrine, Emergent, Saturated (PEMB/Type 2) wet meadow dominated by sedges and sensitive fern. The northern edge of the

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wetland is a Palustrine, Emergent, Seasonally Flooded, Partially drained (PEMcd) road ditch dominated by reed canary grass and cattails. The southeast corner of the basin is a stormwater treatment pond. Wetland B is a 1.06-acre Palustrine, Emergent, Saturated (PEMB/Type 3) inland shallow fresh marsh dominant by lake sedge, sedge species, cattails, green bulrush and sensitive fern. This basin is between CSAH 15 and the employee parking lot to the east. Wetland C is a 2.40-acre complex. The northwest part of the basin is a Palustrine, Broadleaf Forested, Saturated (PFO1B) wetland, dominated by aspen, white birch, red oak, silky dogwood, hazel, sensitive fern, and other fern species. The northeast part of the basin is a Palustrine, Emergent, Seasonally Flooded, excavated (PEMCx) wetland dominated by reed canary grass. The south part of the basin is a Palustrine, Emergent/Scrub Shrub, Seasonally Flooded (PEM/SS1C) drainage swale dominated by reed canary grass, aspen, willow, and sensitive fern.

SOURCE OF FILL MATERIAL: Fill would include material moved on site, and from commercial sources.

SURROUNDING LAND USE: Rural residential and farm land.

MITIGATION: As compensation for the 2.38 acres of wetland impacts, up to 3.81 acres of new wetlands would be created on-site. Separately 3.10 acres of stormwater treatment ponds would be created on-site, outside of the wetlands, to provide water quality improvements. The mitigation wetlands would occur along the west side of the realigned CSAH 15. The mitigation wetlands include two separate basins. Mitigation Wetland 1 is a 0.59-acre Type 2/3 wetland that is proposed along the south side of Wetland C and the west side of the realigned CSAH 15. This basin was filled and would be restored by excavating the fill material. Mitigation Basin 2 is 3.22 acres of Type 2/3 wetland that is proposed along the north side of the intersection of the realigned CSAH 15 and the current CSAH 15. This basin would be created by excavating upland areas to approximately 7 to 13 feet lower than the current elevation of this area. This wetland would be supported by seasonal groundwater levels and supplemented by surface water runoff from adjacent upland areas including treated storm water runoff. The placement of a culvert is proposed between Mitigation Wetlands 1 and 2 to create a hydrologic connection to Mitigation Wetland 2. The mitigation area would be left rough graded to create an undulating bottom. The slope along the wetland boundary would be graded to a 5:1 slope (or flatter) and seeded with Minnesota Department of Transportation seed mix 26B at the appropriate seeding rate.

3. REPLIES/COMMENTS.

Interested parties are invited to submit to this office written facts, arguments, or objections within 30 days of the date of this notice. These statements should bear upon the suitability of the location and the adequacy of the project and should, if appropriate, suggest any changes believed to be desirable. Comments received may be forwarded to the applicant.

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Replies may be addressed to Regulatory Branch, St. Paul District, Corps of Engineers, 190 Fifth Street East, Saint Paul, MN 55101-1638.

Or, IF YOU HAVE QUESTIONS ABOUT THE PROJECT, call Judi Kolb at the St. Paul office of the Corps, telephone number (651) 290-5361.

4. FEDERALLY-LISTED THREATENED OR ENDANGERED WILDLIFE OR PLANTS OR THEIR CRITICAL HABITAT.

None were identified by the applicant or are known to exist in the permit area. However, Pine County is within the known or historic range of the following Federally-listed threatened species:

<u>Species</u>	<u>Habitat</u>
Bald eagle	Mature forest near water
Gray wolf	Northern forested areas

This application is being coordinated with the U.S. Fish and Wildlife Service. Any comments it may have concerning Federally-listed threatened or endangered wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

5. JURISDICTION.

This project comes under the regulatory jurisdiction of the Corps of Engineers because the wetlands are adjacent to a tributary to the Grindstone River, a navigable water of the United States.

REGULATORY AUTHORITY: This application will be reviewed according to the provisions of Section 404 of the Clean Water Act. Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 Code of Federal Regulations 230).

THE APPLICANT HAS STATED THAT STATE, COUNTY, AND LOCAL PERMITS HAVE BEEN APPLIED FOR: Because some of the wetlands are on land owned by the Mille Lacs Band of Ojibwe but not held in trust by the United States, the Mille Lacs Band of Ojibwe has also submitted a Wetland Replacement Plan to the Pine County Soil & Water Conservation District for review under the provisions of the State Wetland Conservation Act.

6. STATE SECTION 401 WATER QUALITY CERTIFICATION.

Valid Section 404 permits cannot be issued for any activity unless water quality certification for the activity is granted or waived pursuant to Section 401 of the Clean Water Act. For most projects, the Section 401 authority in Minnesota is the Minnesota Pollution Control Agency (MPCA). However, the U.S. Environmental Protection Agency (EPA) is the Section 401 authority for projects on Tribal Lands.

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The St. Paul District has provided this public notice and a copy of the applicant's Section 404 permit application form to the EPA. Copies of these documents have also been provided to the MPCA.

The St. Paul District considers this public notice valid notification of the application for Section 401 water quality certification. The EPA has indicated that it intends to review this project to determine the appropriate action under Section 401. Any comments relative to EPA action may be sent to the following address:

Ms. Janice Cheng
Watersheds and NP Source Program
U.S. Environmental Protection Agency
77 West Jackson Boulevard, WW-16J
Chicago, Illinois 60604-3590

Any comments relative to MPCA's intention to waive Section 401 Certification for the activity proposed in this public notice may be sent to:

Minnesota Pollution Control Agency
Regional Environmental Management Division
Attention 401 Certification
520 Lafayette Road North
St. Paul, Minnesota 55155-4194

7. HISTORICAL/ARCHAEOLOGICAL.

This public notice is being sent to the National Park Service, the State Archaeologist, and the State Historic Preservation Officer to determine if there are known cultural resources which may be affected by the described work. Any unknown archaeological, scientific, or historical data could be lost or destroyed by the work described in the permit application. However, the latest version of the National Register of Historic Places has been consulted and no listed properties (known to be eligible for inclusion, or included in the Register) are located in the project area.

This public notice is being sent to the Mille Lacs Band of Ojibwe Tribal Historic Preservation Officer to determine if there are known cultural resources which may be affected by the described work.

8. PUBLIC HEARING REQUESTS.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, in detail, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided or if there is otherwise no valid interest to be served.

9. PUBLIC INTEREST REVIEW.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed

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activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. Environmental and other documents will be available for review in the St. Paul District Office.

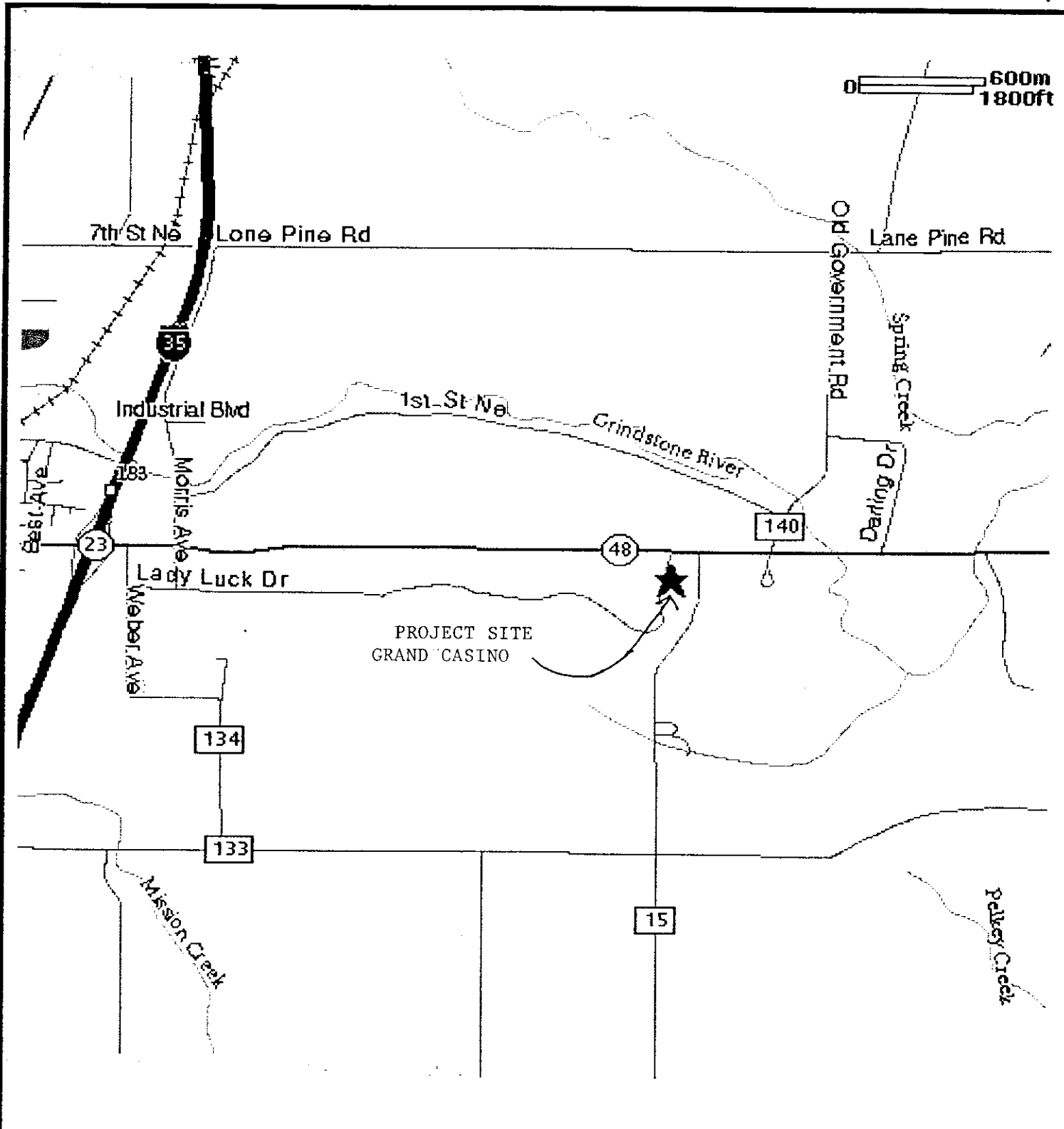
The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.



Ralph J. Augustin
Chief, Metro Permit Section

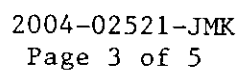
Enclosures

NOTICE TO EDITORS: This public notice is provided as background information and is not a request or contract for publication.

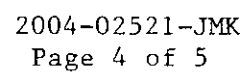


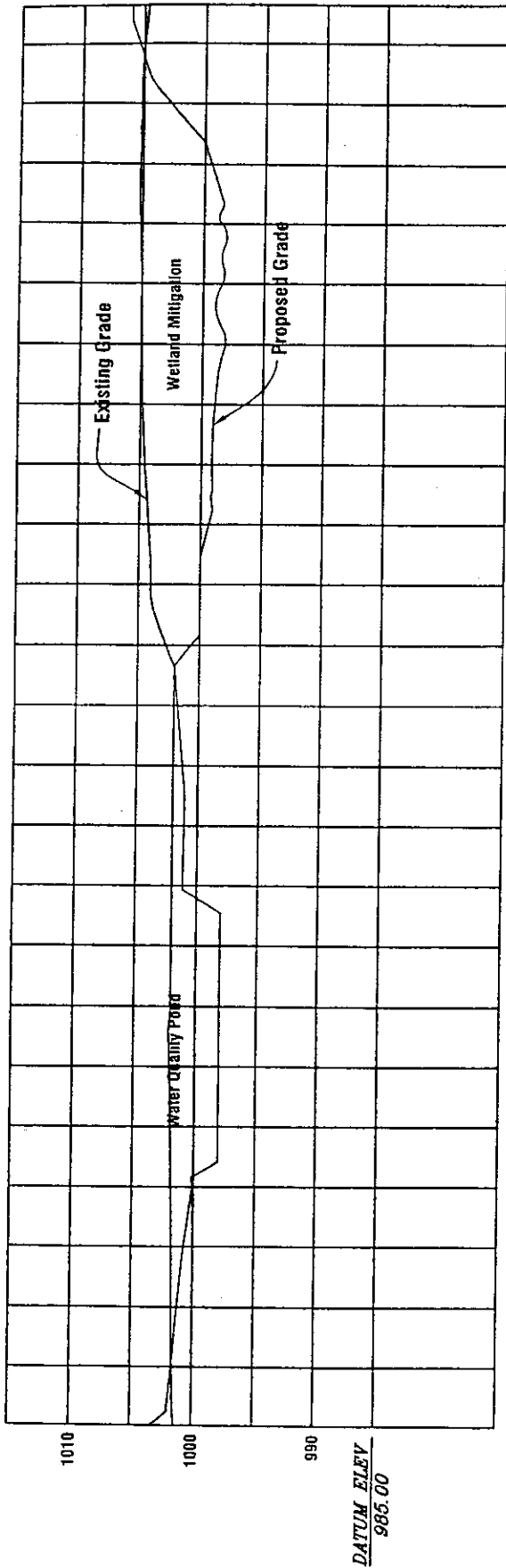
LOCATION MAP

2004-02521-JMK Page 1 of 5	none	GRAND CASINO HINCKLEY HINCKLEY, MINNESOTA
	14073	

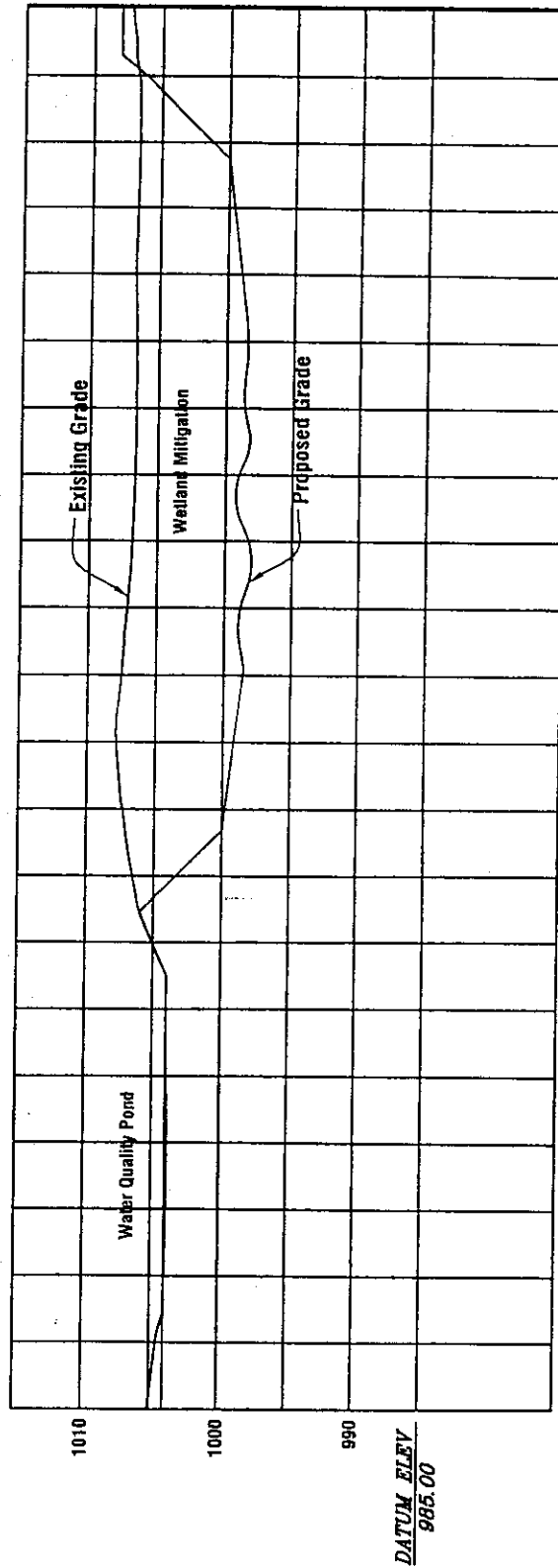


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SECTION A-A



SECTION B-B

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Signature

Designed
Drawn
Date 11/24/03



Engineering • Planning • Surveying
15009 23rd Avenue North • Plymouth, Minnesota • 55447

Client
ESG Architects

Project
Grand Casino

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